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6 Attorneys for Defendant  
7 TWITTER, INC.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 EMMANUEL CORNET, JUSTINE DE  
CAIRES, GRAE KINDEL, ALEXIS  
13 CAMACHO, AND JESSICA PAN, on behalf of  
themselves and all others similarly situated,

14 Plaintiffs,

15 v.

16 TWITTER, INC.

17 Defendant.  
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Case No. 3:22-cv-06857-JD

**DEFENDANT TWITTER, INC.'S  
REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF OPPOSITION TO  
PLAINTIFFS' EMERGENCY  
MOTION FOR A PROTECTIVE  
ORDER**

Date: December 8, 2022  
Time: 3 p.m.  
Judge: Hon. James Donato

1 In accordance with Federal Rule of Evidence 201, Twitter, Inc. (“Twitter” or  
2 “Defendant”) respectfully requests that this Court take judicial notice of the documents described  
3 below and attached as Exhibits to this Request for Judicial Notice.

4 Federal Rule of Evidence Section 201 (“Rule 201”) allows a court to take judicial notice  
5 of facts that are “not subject to reasonable dispute” because they are either (1) “generally known  
6 within the trial court’s territorial jurisdiction” or (2) “can be accurately and readily determined  
7 from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. § 201(b). The  
8 Court “must take judicial notice if a party request it and the court is supplied with the necessary  
9 information.” Fed. R. Evid. 201(c)(2).

10 Public and government records taken from official websites whose accuracy cannot  
11 reasonably be questioned are subject to judicial notice. *Brulee v. Geico Insurance Agency Inc.*  
12 No. 19 (E.D. Cal July 19, 2018) (citing *O’Toole v. Northrop Grumman Corp.*, 499 F.3d 1218,  
13 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual  
14 information found on the world wide web”); *Denius v. Dunlap*, 330 F.3d 919, 926-27 (7th Cir.  
15 2003) (taking judicial notice of information on the website of a government agency); *United*  
16 *States ex rel. Dingle v. BioPort Corp.*, 270 F.Supp.2d 968, 972 (W.D. Mich. 2003) (“government  
17 documents are generally considered not to be subject to reasonable dispute...This includes public  
18 records and government documents available from reliable sources on the Internet.”).

19 Pursuant to these guidelines, Twitter requests that the Court take judicial notice of the  
20 following documents:

21 **Exhibit A:** Attached as Exhibit “A” is a true and correct copy of the Agreement & Plan of  
22 Merger (“Merger Agreement”) between Twitter, Inc. and X Holdings I, Inc. and X Holdings II,  
23 Inc. This document was obtained on today’s date from the online EDGAR database maintained  
24 by the United States Securities & Exchange Commission, which may be found, in its entirety, at  
25 the following website:

26 <https://www.sec.gov/Archives/edgar/data/1418091/000119312522120474/d310843ddefa14a.htm>  
27  
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**Exhibit B:** Attached as Exhibit “B” is a true and correct copy of a tweet<sup>1</sup> written by Emmanuel Cornet, one of the named plaintiffs in this case. This document was obtained on today’s date from a review of publicly available information. This tweet may be found, in its entirety, at the following website:

<https://twitter.com/Imanul/status/1587601005251743745?lang=en>

**Exhibit C:** Attached as Exhibit “C” are true and correct copies of several articles written containing interviews that Plaintiffs’ Counsel gave regarding this case (C-1 through C-10). These documents were obtained on today’s date from a review of publicly available information. The attached articles may be found, in their entirety, at the following websites:

1. Anne Cullen, Law360 *Twitter Tumult Shows Risk of Overlooking Pandemic’s Impact* (Nov. 18, 2022 9:17 PM EST)

- [Twitter Tumult Shows Risk Of Overlooking Pandemic's Impact - Law360](#)

2. Grace Dean, *Business Insider*, *Laid-off Twitter Employees Claim in a Lawsuit that the Company 'Persuaded' Them Not to Look for New Jobs in the Run-Up to Elon Musk's Takeover*. (Nov. 11, 2022 11:09 AM)

- <https://www.businessinsider.com/elon-musk-twitter-deal-lay-staff-job-hunt-severance-package-2022-11>

3. Matthew Loh, *Business Insider*, *Elon Musk Failed to Give Laid-Off Twitter Employees Previously Promised Severance Packages, Lawsuit Alleges*. (Nov. 11, 2022 1:57 AM)

- <https://www.businessinsider.com/elon-musk-twitter-failed-give-promised-severance-laid-off-lawsuit-2022-11>

4. Liz Jassin, *NewsNation*, *Lawyer: Musk Broke Promises to Fired Twitter Employees*. (Nov. 10, 2022 9:29 PM).

- <https://www.newsnationnow.com/cuomo-show/lawyer-musk-broke-promises-to-fired-twitter-employees/>

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<sup>1</sup> A “tweet” is a short, electronic message published by a user on the social media platform Twitter.com.

- 1 5. Beverly Banks, Law360, *Ex-Twitter Workers Seek Protective Order From Releases*. (Nov.  
2 10, 2022 8:56 PM)
  - 3 ○ [https://www.law360.com/employment-authority/other/articles/1548731/ex-twitter-](https://www.law360.com/employment-authority/other/articles/1548731/ex-twitter-workers-seek-protective-order-from-releases)  
4 [workers-seek-protective-order-from-releases](https://www.law360.com/employment-authority/other/articles/1548731/ex-twitter-workers-seek-protective-order-from-releases)
- 5 6. Ashley Belanger, Ars Technica, *Twitter Offering Some Laid-Off Staff Only Half What*  
6 *They're Owed, Lawsuit Says*. (Nov. 9, 2022 2:11 PM).
  - 7 ○ [https://arstechnica.com/tech-policy/2022/11/twitter-offering-some-laid-off-staff-](https://arstechnica.com/tech-policy/2022/11/twitter-offering-some-laid-off-staff-only-half-what-theyre-owed-lawsuit-says/)  
8 [only-half-what-theyre-owed-lawsuit-says/](https://arstechnica.com/tech-policy/2022/11/twitter-offering-some-laid-off-staff-only-half-what-theyre-owed-lawsuit-says/).
- 9 7. Ryan Mancini, MassLive, *55 Twitter Employees Lose Jobs in Boston as Part of Company-*  
10 *Wide Layoffs*. (Nov. 7, 2022 3:07 PM).
  - 11 ○ [https://www.masslive.com/boston/2022/11/55-twitter-employees-lose-jobs-in-](https://www.masslive.com/boston/2022/11/55-twitter-employees-lose-jobs-in-boston-as-part-of-company-wide-layoffs.html)  
12 [boston-as-part-of-company-wide-layoffs.html](https://www.masslive.com/boston/2022/11/55-twitter-employees-lose-jobs-in-boston-as-part-of-company-wide-layoffs.html)
- 13 8. Jana Katsuyama, KTVU, *Twitter Lays Off 784 Employees at SF Headquarters, as Former*  
14 *Employees File Lawsuit*. (Nov. 5, 2022)
  - 15 ○ [https://www.ktvu.com/news/twitter-lays-off-784-employees-at-sf-headquarters-as-](https://www.ktvu.com/news/twitter-lays-off-784-employees-at-sf-headquarters-as-former-employees-file-lawsuit)  
16 [former-employees-file-lawsuit](https://www.ktvu.com/news/twitter-lays-off-784-employees-at-sf-headquarters-as-former-employees-file-lawsuit)
- 17 9. Josh Eidelson, Bloomberg Law, *Lawyer Suing Twitter Over Layoffs Says Musk Trying to*  
18 *Comply*. (Nov. 4, 2022 9:43 PM).
  - 19 ○ [https://www.bloomberglaw.com/bloomberglawnews/us-law-](https://www.bloomberglaw.com/bloomberglawnews/us-law-week/X9J2PKES000000?bna_news_filter=us-law-week#jcite)  
20 [week/X9J2PKES000000?bna\\_news\\_filter=us-law-week#jcite](https://www.bloomberglaw.com/bloomberglawnews/us-law-week/X9J2PKES000000?bna_news_filter=us-law-week#jcite)
- 21 10. WCVB Channel 5, *Boston Attorney Files Lawsuit on Behalf of Twitter Employees Facing*  
22 *Layoffs*. (Nov. 4, 2022 5:04 PM)
  - 23 ○ [https://www.wcvb.com/article/boston-attorney-files-lawsuit-on-behalf-of-twitter-](https://www.wcvb.com/article/boston-attorney-files-lawsuit-on-behalf-of-twitter-employees-facing-layoffs/41865120)  
24 [employees-facing-layoffs/41865120](https://www.wcvb.com/article/boston-attorney-files-lawsuit-on-behalf-of-twitter-employees-facing-layoffs/41865120)

1 Dated: November 21, 2022

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4 Brian Berry

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Twitter, Inc.